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June 29, 2023

Via ECF

The Hon. Denise L. Cote, U.S.D.J.
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Courtroom 18B
New York, NY 10007-1312

Re: *Safe & Green Holding Corp. v. Shaw & Shaw*
Case No. 1:23-cv-02244-DLC

Denied.
Denise Cote
6/29/23

Dear Judge Cote,

This Firm represents Defendant Leo Shaw ("Defendant") in the above-referenced matter.¹ Pursuant to Your Honor's Individual Rules and Practices, Defendant is seeking an adjournment of the hearing on the motion for default judgment (the "Default Motion") scheduled for June 30, 2023 at 10:00 a.m. (the "Hearing"). I contacted Plaintiff's counsel on June 27, 2023 (the same day my Firm was retained to represent Defendant) requesting an adjournment of the Hearing. The same day, Plaintiff's counsel said that he would discuss with his client. On June 28, 2023 Plaintiff's counsel stated that with respect to "any application...to extend the default judgment motion schedule...Plaintiff takes no position."

Defendant requests a brief one-week adjournment of the Hearing (deferring to the Court's calendar) to July 7, 2023 so that Defendant can adequately prepare an opposition brief and prepare for the Hearing, which includes an objection to this Court's personal jurisdiction over Defendant. Although the Default Motion was filed on June 16, 2023, Plaintiff (per its own Affidavit of Service [ECF Dkt. No. 26]) did not serve the Default Motion upon Defendant until June 21, 2023 via overnight mail. Accordingly, per Local Rule 6.1(b), Defendant's time to respond to the Default Motion extends through and including July 5, 2023.

Defendant has not previously requested an adjournment of the Hearing.

We thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

/s/ Fawn M. Lee

Fawn M. Lee

¹ Defendant reserves all rights, including his objection to proceeding before this Court based upon the lack of personal jurisdiction over him, and waive none, by his attorneys' participation in this action.